

## STOCKHOLDERS' MEETING

### \$100,000 ISSUE

#### Union Pacific Meeting Is Held and E. H. Harriman Demonstrates His Absolute Control.

#### Explanation Is Demanded of Purpose for which New Shares Are To Be Used, but This Is Refused by Vice President Cornish.

WITHOUT a hint being given as to the purpose for which the issue was to be made, the stockholders of the Union Pacific Railway company at a special meeting yesterday authorized the issue by the board of directors of \$100,000 additional of preferred stock. There was no opposition.

Judge W. D. Cornish, acting for E. H. Harriman, voted 657,761 shares of preferred stock, out of a total issue of 1,000,000 shares of preferred stock and 1,000,000 shares of common stock.

Only 411 shares were represented outside of the Harriman interests. Eight hundred and forty shares were held by two Wall-street houses, who had representatives at the meeting, and one share was held by President Joseph E. Smith of the Mormon church, who is a director, and who was present in person.

Explanation Is Denied.

The only ripple in the entire proceedings and the only departure from the prearranged programme was the demand made by the representative of one of the Wall-street houses for a statement of the purpose for which the stock was to be issued. This episode came immediately after Judge W. R. Kelly of Omaha, counsel for the Union Pacific, had introduced the resolution authorizing the issue of an increased amount of preferred stock, and President Smith had put in a second. Before the vote could be taken, this man said:

"In behalf of the stock which I represent, I desire to ask the directors who may be present what the exact purpose is of the issuance of this increased amount of preferred stock, and to have this request for information entered on the minutes."

Judge Cornish, vice president of the road and chairman of the stockholders' meeting, merely remarked curtly: "The notation will be made." Turning to his private secretary, H. B. Taylor, who was secretary of the meeting, he said: "Is there any objection to my reply to this request?" persisted the maker of the demand.

"No response" was the reply of Judge Cornish.

The demand for information was entered on the minutes, and the polls were then declared open. They were held open for a period of ten minutes, and every vote represented was cast for the resolutions.

No Fight Develops.

Up to the last minute it had been expected that opposition to the issuance might develop, but last night the information was received that no fight would make an open fight. The reason for this is supposed here to be the fact that Harriman had an absolute majority of the stock of the company, held in person or by proxy.

The laws of Utah before this year required a two-thirds vote of the stockholders to increase the capitalization of a corporation, but Harriman had a bill passed at the session of the legislature last winter which permits him to exercise authority to take such action. This legislation was brought about for the purpose of enabling him to control the situation regarding the issuance voted today.

The resolution adopted provides, in legal phraseology, for the increase of the capital stock of the Union Pacific Railway company to a total of \$398,178,790, divided into 3,981,787 shares of stock of the par value of \$100 each, of which 2,000,000 shares are preferred shares and 1,981,787 shares are common stock.

The resolution provides that the preferred stock shall be paid in dividends of not over 4 per cent in dividends, non-cumulative, and limits the participation to this amount.

Directors Given Full Power.

The salient portion regarding the purpose of the issuance is as follows: "Resolved, That the board of directors be and they are authorized to issue additional preferred capital stock, authorized and provided for at this meeting, may be issued and used from time to time for such lawful corporate purposes, upon such terms and in such manner as may be determined by the board of directors of this company."

The president and secretary and other officers are authorized to file any instrument, or do any other act, necessary to carry into effect the purpose of this resolution.

Judge Cornish, who was Mr. Harriman's personal representative at the meeting, said that he had no objection if any statement would be made as to the purpose of the issue. He said:

"I have nothing to give out at this time, and I do not think that any statement will be given out on the matter until after the board of directors has met and acted in accordance with the resolution adopted by the stockholders."

"Do you think the board will meet within the next thirty days?" he was asked.

"That I cannot tell. I know nothing whatever about what the plans may be in that matter."

Meeting in Small Room.

The proceedings of this meeting, which involved such a huge sum, were carried on in a little back room in the rear of the Union Pacific ticket office in the Kenyon block. The room is scarcely 12x12 feet in size, fitted simply with a roll-top desk and a few chairs. It is the private office of General Agent D. R. Gray of the Harriman system.

Into this room, at 12 o'clock, came Judge W. R. Kelly, general solicitor for the Union Pacific, Judge W. D. Cornish, vice president and director; Judge E. C. Young, attorney for Utah; Parley L. Williams, general attorney for the Oregon Short Line, and three stenographers in the employ of Judge Cornish and Judge Kelly. Two of the stenographers bore between them a dress suit case laden with proxies, representing stock owned considerably over one hundred million dollars.

The lawyers who were to vote this small amount of stock sat around a small table and waited for 12 o'clock to come, when the meeting was to begin. Just before that time, two reporters for The Herald came in with proxies, and took their seats. Just at 12 o'clock, President Smith of the Mormon church arrived. He was ushered in and given a seat over on one side, where he sat stroking his beard and gazing through his spectacles, watching the proceedings.

worth \$100,000 at the market value at the close of the New York stock exchange yesterday. Their proxies were scrutinized closely by Messrs. Cornish, Williams and Kelly, and reference was made to the stock books. It was found that the proxies were in legal form and were signed by the actual holders of the stock. Consequently, the stockholders were permitted to remain throughout the entire meeting, witness all the proceedings, and have access to the documents, while the reporters for the other papers were cooling their heels outside and waiting such little information as might be given out through official sources later. The holders of these proxies felt very much annoyed by the manner in which the meeting was being conducted by a dissenting vote, so they made it unanimous.

Watching the Proceedings.

Promptly at 12 o'clock, Vice President Cornish called the stockholders' meeting to order. The little group of attorneys had been watching expectantly for signs of opposition, and there was an air of relief as the proxies, stated to have been sent out by the Harriman forces, were introduced. The meeting was held in a small room in the rear of the Union Pacific ticket office, and there was nothing to fear. The men on the ground who were carrying out the instructions of the general, sitting in his Wall-street office, proceeded to go ahead with the cut-and-dried programme, which they knew they could carry through.

After the formalities necessary for establishing the legality of the meeting had been completed, including the appointment of a committee to pass on the proxies and report as to the resolution, Judge Cornish read, for the benefit of the general, the set of resolutions which it was proposed to adopt.

Already the minutes of the meeting had been written, and the little group present was still going through the form of making true what was already being done by the chairman in type-written form.

Judge Cornish's secretary, H. B. Taylor, was appointed secretary of the meeting. P. L. Williams and two of the stenographers, S. L. Crosby and F. J. Mieling, were the committee which passed on the proxies and the tellers. As soon as they had reported that a majority of both common and preferred stock was represented, Judge Kelly introduced the momentous resolution in the capitalization of the company, making it, in point of capitalization, the largest in the history of the stock market. The Pennsylvania, its nearest rival, has a capitalization of \$251,700,000.

President Smith Sees.

A whispered conference had been held before that between Judge Kelly, Judge Young and President Smith. The latter had seen the resolution, and Judge Kelly had explained it to him. The president had then moved the adoption of the resolution. President Smith said, in a low tone of voice, "I see."

It was then that the formal demand was made on Vice President Cornish for an explanation of the purpose of the issue, and the result stated.

This had taken forty minutes. It was then announced that the polls would be open for the balance of the afternoon, and that they would remain open for two hours, in accordance with the law.

After a consultation between the four lawyers present, it was decided that the form of ballot used should be, "for each and every one of the resolutions offered, and every one of the resolutions offered."

Cornish Swings \$200,000,000.

The report of the committee to examine the proxies had shown that Judge Cornish, Judge Kelly and Mr. Williams had the authority to vote. When the polls were opened, Judge Cornish picked up a piece of yellow paper from the table, and wrote on it the following:

"For each and every one of the resolutions offered, I vote \$200,000,000, and I vote in the balance in favor of this remarkable move."

The others present cast their ballots in similar manner, and the result was practically all over in three minutes, although the polls were kept open for the full two hours. Not a dissenting vote was cast.

Purpose Still a Mystery.

The purpose for which this issuance is made is as much of a mystery as ever. The story that the control of the Chicago & Northwestern and New York Central and St. Paul systems has been secured as a result of the issuance of the stock is to the real purpose, remains.

During the time until the two hours was up, the men present sat around, looking over the papers and documents involved to make sure that everything was done in accordance with the law. Judge Smith asked to be excused, but the others remained until the end.

As soon as the polls had been formally closed, the result was declared by Mr. Williams, one of the tellers, and Vice President Cornish, chairman of the meeting, announced formally that the resolution had been adopted by a majority of all the common and a majority of all the preferred stock of the corporation.

He then made the announcement that a telegram from E. H. Harriman said that proxies for over 5,000 shares of preferred stock and over 178,000 shares of common stock had been received in New York after the messenger with the other proxies had left, that they could not reach Salt Lake in time for the annual meeting, and therefore could not be voted, but that if they had arrived in time, they would have been voted in favor of the resolutions.

The minutes of the meeting were read and approved, and then after a brief consultation between Judge Kelly and Judge Cornish, it was voted to adjourn.

(Continued on Page 2.)

## CRISIS COMES IN CHICAGO TODAY

#### Governor Deneen Ready to Order Out State Troops.

#### LESS RIOTING YESTERDAY

#### SHERIFF BARRETT TAKES A HOPEFUL VIEW.

CHICAGO, May 5.—The crisis in the teamsters' strike is expected to come tomorrow. The State street merchants have decided to send out 1,100 wagons to make deliveries in all parts of the city. As far as possible, these wagons will be guarded by deputy sheriffs, and in some cases by the local police. It will be impossible for all of the wagons to be guarded by the deputy sheriffs, but it is the intention to place two men on each wagon as far as the number of deputies already sworn in will permit. Sheriff Barrett had 200 deputies on duty tonight and said that he thought this number would be ample for the work outlined tomorrow. If it is not it is said he will conclude that the sheriff's office and the local police are not able to control the situation and a request will be made for the state militia.

Governor Ready to Act.

Governor Deneen has said that he will order out the troops if the request is made by Sheriff Barrett and upon the failure or success of the attempt at retail deliveries to be made tomorrow depends the coming of the troops. Fifteen wagons were sent out tonight and the large dry goods and department stores, and all of them made deliveries without interruption. On each of these wagons rode two deputy sheriffs. The instructions of the general, sitting in his Wall-street office, proceeded to go ahead with the cut-and-dried programme, which they knew they could carry through.

Less Rioting Yesterday.

Either because of threatened appearances of the troops or because of the addition to the police force of a number of deputy sheriffs there was much less rioting and fighting in the downtown streets today than on any day this week. The wagons of the express companies have all carried a guard armed with a Winchester rifle or double-barreled shotgun and a crowd of uniformed men, and the streets were free from interruption other than that of an occasional stone thrown from the sidewalk or some other missile hurled from a crowd. There was little of this, however, and the wagons were practically unharmed.

An order issued early in the day by Chief of Police O'Neil directing that all persons should be prevented from following wagons as they went along the streets had much to do with the absence of rioting.

Numerous Assaults.

While there was less rioting in the downtown streets, numerous assaults were committed in all parts of the city remote from the principal business section.

Three coal wagons, after making a delivery at the factory of Selz, Schwab & Co. at Ohio and Kingsbury streets, late this afternoon were attacked by a crowd which pursued them for more than half a mile, rained stones, bricks and bottles upon them, and finally drove them to the rear of the city. The wagon was composed almost entirely of young men and women, the latter taking an active part in the assault. The men were armed with stones, bricks and bottles, and the women with stones and bricks. The wagon was driven to the rear of the city, and the men and women were scattered. The wagon was damaged, and the driver was injured.

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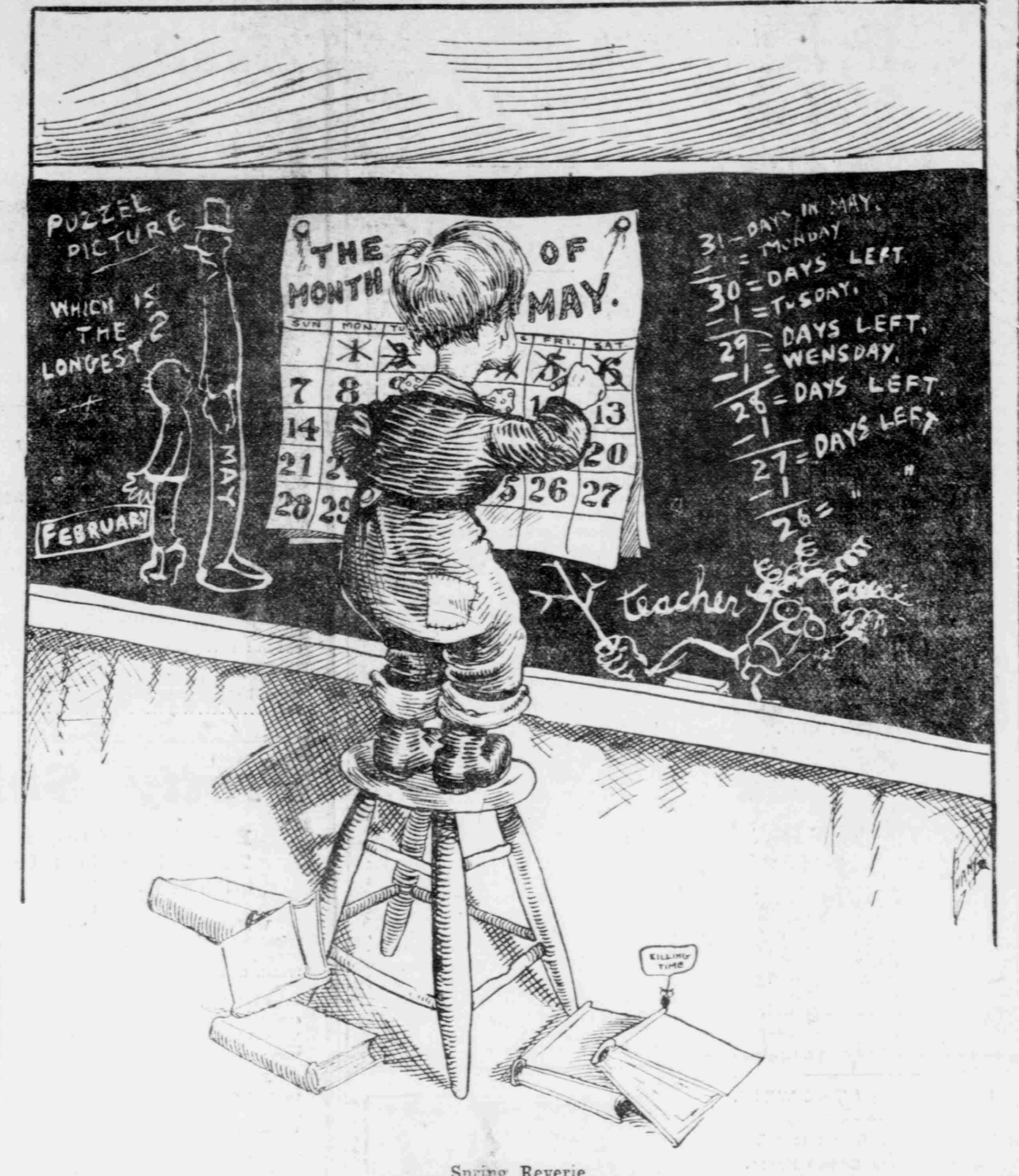
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Spring Revere.

## DIRECTORS WILL MEET ON MONDAY CONGRESS CAN FIX THE RATES

#### Possibility That the Executive Officers of the Equitable May be Suspended and a "Steering Committee" Placed in Charge.

#### Legislatures Also Have Power Within State Boundaries.

#### COURTS CAN INVESTIGATE

#### QUESTIONS ANSWERED BY ATTORNEY GENERAL.

"Department of Justice," May 5, 1905.

"Hon. Stephen B. Elkins, Chairman Committee on Interstate Commerce, United States Senate."

"Sir:—I have the honor to acknowledge the receipt of your letter requesting, on behalf of the senate committee on interstate commerce, my opinion on certain questions of law."

"Your letter, supplemented by oral communication, calls upon me to consider the government's power to regulate the operations of railroads, especially in the respect of fixing rates for transportation, and to advise as to the power to fix rates in the national government, and what limits to the power, if any, are prescribed by the constitution."

"After reciting the cases which have been before the attorney general, I conclude, therefore, that any law for the fixing of rates, according to the standard of reasonableness, impartiality and justice, or any action taken by a subordinate administrative body in the execution of such a law, would not be obnoxious to article 1, section 9, paragraph 6, of the constitution, even if it should be construed to be a law, and vested in congress with regard to all other transportation."

"The views which I have expressed may be stated briefly as follows:—There is a governmental power to fix the maximum future charges of carriers by railroad, vested in the legislature of the state with regard to transportation, exclusively within the state, and vested in congress with regard to all other transportation."

"Although legislative power, properly speaking, can not be delegated, the lawmaking body having enacted into law the standard of charges which shall be applied by the administrative body not exercising judicial power the duty to fix rates in conformity with that standard."

"The rate-making power is not a judicial function and can not be conferred constitutionally upon the courts of the United States, either by way of original or appellate jurisdiction."

"The courts, however, have the power to investigate any rate or rates fixed by legislative authority and to determine whether they are such as would be confiscatory of the property of the carrier, and if they are judicially found to be confiscatory in their effect, to restrain their enforcement."

"Any legislation which attempts to deprive the courts of this power is unconstitutional."

"The regulation of land transportation, however exercised, would seem to be so indirect in its effect upon the ports that it could not constitute a preference between the ports of different states within the meaning of article 1, section 9, paragraph 6 of the constitution."

"Reasonable, just, and impartial rates determined by legislative authority are not within the prohibition of article 1, section 9, paragraph 6 of the constitution, even though they result in a varying charge per ton mile and from the ports of the different States."

"Very respectfully,  
WILLIAM H. MOODY,  
Attorney General."

GUILTY OF MANSLAUGHTER.

(Special to The Herald.)

Pocatello, May 5.—In the trial of Tom Howard for the murder of Ben Johnson on March 12, which has been occupying the attention of the court for the past three days, the jury this afternoon rendered a verdict of involuntary manslaughter, and sentence was deferred.

PLEADED NOT GUILTY AND THEN FAINTED

Washington, May 5.—Arraigned as Alice Niesen, the woman claimed to be the Baroness Devorits Salmo of Austria, today fainted in the police court after pleading not guilty to the charge of grand larceny and waiving examination. The woman sat pale and trembling as she stood in the police court, charging her with taking about \$500 worth of clothing.

After the proceedings had been closed across the street, the woman who had been revived she was taken back to the house of detention.

STUCK IN ICE FLOE.

St. Johns, N. F., May 5.—The Allan line turbine steamer Victorian from Liverpool for Montreal with 1,600 passengers, is stuck in an ice floe one mile off Cape May at the entrance of the Gulf of St. Lawrence. She is unable to proceed farther, the ice being packed across the strait. The vessel who came ashore reported that all on board were well.

## SAN PEDRO EXCURSION READY FOR THE START

#### Business Men of Los Angeles Block Out Fine Programme for the Visitors.

#### Complete List of Representative Salt Lake Citizens Who will Make the Trip Over the New Road as Guests of Senator W. A. Clark.

(Special to The Herald.)

Los Angeles, Cal., May 5.—City officials, the chamber of commerce and other local organizations have the launch set out for the Salt Lake excursion train, which arrives Monday morning. A committee of leading business men will meet the visitors at the railroad station and escort them to their hotels, after which there will be a public reception at the chamber of commerce. On Tuesday the excursion party will be taken on a trip to Catalina island as guests of the Banning company and the Salt Lake road. Trolley trips to the beaches, to Mount Lowe and the surrounding orange, oil and olive country will be Wednesday's features.

Personnel of Party Going to Los Angeles.

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| H. M. Adkinson, mining.<br>John G. Anderson, real estate and investment.<br>Volney S. Anderson, fire and casualty insurance.<br>W. H. Bannister, mining broker.<br>George D. Alder, fire insurance.<br>Dr. W. E. Bloor, physician.<br>Charles S. Burton, cashier State Bank of Utah.<br>John S. Bradford, capitalist.<br>W. T. Burton, lumber and coal.<br>Everard Bierer, Jr., lawyer.<br>George M. Cannon, banker.<br>H. T. Cleaver, Continental Oil Co.<br>John S. Culler, broker of Utah.<br>F. A. Druehl, wholesaler and retail hardware.<br>Joseph E. Caine, banker.<br>L. A. Copeland, real estate.<br>R. E. Cleveland, wholesaler grain dealer.<br>James Chipman, banker.<br>John P. Calhoun, brick manufacturer.<br>John C. Cutler, broker of Utah.<br>F. A. Druehl, wholesaler and retail hardware.<br>John Dorn, mining.<br>P. L. Doran, wholesale grocer.<br>H. S. Dorn, music dealer.<br>George G. Doyle, plumbing.<br>J. Doolittle, mechanical engineer.<br>P. A. Droun, merchant.<br>S. C. Ewing, Cullen hotel and restaurant.<br>W. H. Ellison, insurance.<br>A. H. Engeln, life insurance.<br>L. Lind, insurance.<br>George C. Lambert, wholesaler paper and stationery.<br>Joseph L. Lamm, attorney and manager Salt Lake Tribune.<br>L. Miller, real estate and investment.<br>E. D. Miller, county commissioner and legislator.<br>Curtis P. Mason, mining machinery.<br>A. H. May, manager Western Union.<br>C. Palmer, contractor and bricklayer.<br>George W. Peck, accident and health insurance.<br>William Pruckwinkel, Utah lee & cold storage Co.<br>C. E. Quigley, general manager Studebaker Co. for Utah; vice president of commercial.<br>George Rust, president R. G. Dun & Co.<br>Adolph Richter, real estate.<br>Walter F. Read, Utah Light & Railway Co.<br>Charles N. Strevel, Strevel-Patterson Hardware Co.<br>A. A. Spilke, wholesaler paper.<br>Walter Scott, mining machinery.<br>F. A. Starkweather, Maple Leaf route.<br>Henry Sadler, wholesaler liquor.<br>Carl A. Scheidt, fire insurance.<br>J. W. Stringfellow, lawyer.<br>Fred A. Slade, clothing.<br>Moshah D. Evans, Utah Sugar Co.<br>J. M. Frank, wholesaler and retail drugs. | Albert Fisher, brewer.<br>George E. Forrester, banker.<br>G. W. Grimes, printer.<br>W. H. Bannister, mining broker.<br>Frank J. Gustin, lawyer.<br>W. H. Bannister, mining broker.<br>George F. Gustin, lawyer.<br>W. H. Bannister, mining broker.<br>Herman Harms, state and city chemist.<br>S. S. Holmes, president of Chamber of Commerce.<br> |
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